

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

SWD – LA – Nizamabad District - Nizamabad (V& M) – Land acquired to an extent of Ac.5.38 gts of Sy.Nos. 3283,3284 & 3285 of patta land situated at Dubba of Nizamabad (V& M) for providing house sites to the weaker sections people – Sanction of Rs.25,57,842/- towards payment of balance decretal charges. As ordered by the Hon'ble High Court of A.P. in A.S No.527/2003 in OP.NO.1085/95 – Orders – Issued.

SOCIAL WELFARE(L.A.2)DEPARTMENT

G.O.Rt.No. 149

Dated:09-02-2010

Read the following:-

1. From the District Collector, Nizamabad Lr.No.G2/2553/2003, dt:22/5/08.
2. From the Commissioner of Social Welfare, Hyderabad. Lr.L.A.2/6484/08 dt:10/6/08.
3. From the CCLA, Lr.No.G3/916/2008, dated :22/09/2008.
4. Govt.Memo.No.9702/SW.LA.2/08-1, dt.10-11-08 &22-7-09.
5. From the CCLA, A.P., Hyd. Lr.No.G3/916/2008, dt.29-10-2009.

ORDER

In the reference 3rd and 5th read above, the Chief Commissioner of Land Administration, A.P, Hyderabad has stated that the LAO / RDO Nizamabad has acquired the land for an extent of Ac.5.38 gts of patta land situated at Dubba of Nizamabad (V&M) for providing house sites to weaker section by taking into consideration (3) years sales, prior to the date of notification of DN U/s 4(1) of the LA Act, while fixing the market value @ Rs.13/- per Sq.Yard. The awardees have received the land compensation under protest and requested to refer the matter to civil court U/s 18 of the LA Act for adjudication. As per the request of the awardees, the LAO/RDO has referred the matter to civil court for adjudication. The Additional District Judge, Nizamabad has passed Judgment and decree in OP NO.1085/95 on dated:11.04.2002 by enhancing the market value from Rs.13/- per Sq.Yard to Rs.46/- per Sq.Yard, with admissible benefits of 30% solatium, 12% Additional Market Value and 9% interest for one year and thereafter 15% interest per annum till realization of the amount of market value. Against the orders of the lower court, the LAO has preferred an appeal to the Hon'ble High Court of AP. The High Court has granted interim stay in MP No.5996/96 in AS No.527/03 on 17.03.2003 subject to condition that the LAO should deposit half of the enhances decretal charges within (8) weeks from the date of receipt of the orders. Accordingly, the LAO/RDO, Nizamabad has deposited an amount of Rs.22,56,048/- in the lower court vide his letter No.B2/4882/02, dated:09.10.2006 in OP NO.1085/95. The Government Pleader for Appeals while enclosing certified copy of judgment in AS No.527/03 has opined that it is not fit case for filing SLP in the Hon'ble Supreme Court of India and requested to take action for depositing the decretal amount. The Hon'ble High Court has observed that the lower court has rightly increased. As such, the Hon'ble High Court has dismissed the appeal filed by the LAO. The LAO/RDO, Nizamabad has submitted calculation sheet for balance amount of Rs.27,87,526/- in OP NO.1085/95 and requested to sanction the same so as to deposit the decretal charges in the trial court to avoid legal complications. In this case, further interest is not payable as the three components of Market value, Solatium and Additional Market value together with some interest was paid as on the date of interim payment. As such further interest is not payable on the balance amount. Hence, there is a difference in the calculation to the tune Rs.2,29,684/-.

The CCLA A.P. Hyd. has also stated that the appeal preferred to the Hon'ble High Court vide AS No.527/2003 against the judgment and decree dated:11.04.2002 in OP No.1085/95 was dismissed on 20.04.2007. The Hon'ble High Court was mainly relied upon the earlier judgment of High Court in AS No.1464/1989 and ultimately concluded that the orders of enhancement made by the reference court is correct and there is no necessity to interfere. Hence, there are neither merits nor time to prefer further appeal.

The CCLA, AP, Hyderabad after scrutiny of the proposal along with the calculation sheet furnished by the collector's Office, has requested the Government for sanction an amount of Rs.25,57,842/- (Rupees Twenty Five Lakhs Fifty Seven Thousand Eight hundred and forty two only) towards payment of balance decretal charges in respect of the land acquired to an extent of 5.38 gts at Dubba of Nizamabad (V&M) as calculated by their office..

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After careful examination of the matter, Government hereby accord sanction to the Commissioner of Social Welfare, AP., Hyderabad to release an amount of Rs.25,57,842/- (Rupees twenty five lakhs fifty seven thousand and eight hundred and forty two only) to the District Collector, Nizamabad towards payment of the balance decretal charges as per the Judgement of Hon'ble High Court of A.P. in Appeal No..527 of 2003, dt.20-04-2007 in O.P.No. 1085/95 in respect of the land acquired to an extent of Ac.5.38 gts of Sy.Nos. 3283,3284 &3285 situated at Dubba of Nizamabad (V&M), Nizamabad District for providing house sites to the weaker section's people.

The amount of expenditure sanctioned in para (4) above, shall be met within the BE 2009-10 and debited to the following Head of account:

“2225 – Welfare of Scheduled Castes, Scheduled Tribes and other Backward Classes – 01 – Welfare of Scheduled Castes – M.H. 283 – Housing – GH.11 – Normal State Plan – SH (08) Acquisition of House sites to weaker section's under Indiramma Programme – 310/312 – Other grants-in-aid”

The Commissioner of Social Welfare, AP., Hyderabad is directed to issue necessary proceedings to the Collector, Nizamabad District for payment of compensation in order to comply with the Court orders.

The Collector, Nizamabad District, shall verify the calculation sheet submitted by the Land Acquisition Officer once again, before issue of proceedings for releasing the amount. If any discrepancy/ excess claim is found in the calculation sheet in future, the Land Acquisition Officer shall be held solely responsible.

This order does not require the concurrence of Finance (Expr. SW) Department, as per the instructions issued by the Finance Department vide U.O.Note No. 12869/196/A1/Expr.SW/2009, dated 22/5/2009 and Finance Dept., U.O.No. 15926/256/A1/Expr.SW/2009, dated 17/8/2009.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V.NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Chief Commissioner of Land Administration, AP., Hyderabad.
The Commissioner of Social Welfare, AP., Hyderabad.
The District Collector, Nizamabad
Copy to:
The Director of Treasuries & Accounts, AP., Hyderabad.
The Accountant General, AP., Hyderabad.
The District Treasury Officer, Nizamabad District.
SF/SC.

// Forwarded :: By Order //

SECTION OFFICER